

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

EDDYSTONE RAIL COMPANY, LLC

Plaintiff,

v.

**BRIDGER LOGISTICS, LLC, JULIO RIOS,
JEREMY GAMBOA, FERRELLGAS
PARTNERS, L.P., FERRELLGAS L.P.,
BRIDGER ADMINISTRATIVE SERVICES
II, LLC, BRIDGER MARINE, LLC,
BRIDGER RAIL SHIPPING, LLC,
BRIDGER REAL PROPERTY, LLC,
BRIDGER STORAGE, LLC, BRIDGER
SWAN RANCH, LLC, BRIDGER
TERMINALS, LLC, BRIDGER
TRANSPORTATION, LLC, BRIDGER
ENERGY, LLC, BRIDGER LEASING, LLC,
BRIDGER LAKE, LLC, J.J. LIBERTY, LLC,
J.J. ADDISON PARTNERS, LLC,**

Defendants.

Civil Action No. 17-cv-00495

PUBLIC VERSION

**DECLARATION OF NICHOLAS PETTS IN SUPPORT OF PLAINTIFF EDDYSTONE
RAIL COMPANY’S CRIME-FRAUD EXCEPTION MOTION**

I, Nicholas Petts, hereby declare as follows:

1. I am an attorney at the law firm of Steptoe & Johnson LLP, counsel for Plaintiff Eddystone Rail Company (“Eddystone”) in the above-captioned action.
2. Attached hereto are true and correct copies of the following exhibits, which are submitted with Plaintiff Eddystone’s Motion to Compel Production of Withheld Documents under the Crime-Fraud Exception.

Exhibit 1: Bridger Income Statement, December 31, 2012.

Exhibit 2: Bridger Consolidating Statement of Operations, December 31, 2014.

- Exhibit 3: Berthold Rail Loading Agreement, by and between Bridger Transfer Services, LLC (“BTS”) and Enbridge Rail (North Dakota) LP, dated May 8, 2012.
- Exhibit 4: Crude Oil Services Agreement, by and between BTS and Dakota Petroleum Transportation Solutions, LLC, dated March 28, 2014.
- Exhibit 5: Rail Terminal Services Agreement, by and between BTS and Van Hook Crude Terminal LLC, dated March 25, 2015.
- Exhibit 6: Bridger Value Chain Presentation.
- Exhibit 7: Email from T. Dowd to J. Huneryager, July 6, 2015.
- Exhibit 8: Throughput Agreement, by and between BTS and Shell Trading (US) Company, dated May 16, 2014.
- Exhibit 9: Amended and Restated Crude Oil Supply Agreement, by and between Bridger Marketing, LLC and Monroe Energy, LLC, dated May 26, 2015.
- Exhibit 10: Transportation and Logistics Services Agreement, by and between Bridger Logistics, LLC and Monroe Energy, LLC, dated May 26, 2015.
- Exhibit 11: Transportation and Logistics Agreement, by and between Bridger Marketing, LLC and Bridger Logistics, LLC, dated June 24, 2015.
- Exhibit 12: Email and attachment from L. Kuperman to K. Tieu et al., June 22, 2015.
- Exhibit 13: Bridger Company Overview, September 2015.
- Exhibit 14: Email from M. Farmer to J. Tibbets et al. with Bridger Operations Summary, October 1, 2015.
- Exhibit 15: Email from counsel for Ferrellgas to counsel for Eddystone, September 2, 2016.
- Exhibit 16: Email from J. Tibbets to M. Farmer, November 3, 2015.
- Exhibit 17: Email from J. Gamboa to T. Soiefer, December 8, 2015.
- Exhibit 18: Email from counsel for Ferrellgas to counsel for Jamex, January 7, 2016.
- Exhibit 19: Grantor Accession Agreement, by and between Bank of America, N.A. and BTS et al., dated January 14, 2016.
- Exhibit 20: Email from counsel for Ferrellgas to counsel for Jamex, February 3, 2016.
- Exhibit 21: Assignment and Assumption Agreement, by and between BTS and Bridger Swan Ranch, LLC, dated January 31, 2016.

- Exhibit 22: General Warranty Deed from BTS to Bridger Real Property, LLC, dated January 31, 2016.
- Exhibit 23: Assignment and Assumption Agreement, by and between BTS and Bridger Terminals, LLC, dated January 31, 2016.
- Exhibit 24: Email from counsel for Bridger Logistics to K. Simmons, February 9, 2016.
- Exhibit 25: Email from counsel for Ferrellgas to counsel for Jamex, February 6, 2016.
- Exhibit 26: Email from counsel for Ferrellgas to counsel for Jamex, February 17, 2016.
- Exhibit 27: Terminal Logistics Services Agreement, by and between BTS and Bridger Terminals, LLC, dated February 22, 2016.
- Exhibit 28: Purchase and Sale Agreement, by and between Bridger Logistics, LLC and Jamex Transfer Holdings, LLC, dated February 22, 2016.
- Exhibit 29: Email from M. Farmer to K. Hudson, October 2, 2017.
- Exhibit 30: Rios and Gamboa's Privilege Log.
- Exhibit 31: Excerpts from Ferrellgas and Bridger Logistics' Privilege Log.
- Exhibit 32: Email from counsel for Rios to counsel for Eddystone, September 18, 2018.
- Exhibit 33: Email from V. Jilla to J. Ballengee, December 12, 2015.
- Exhibit 34: Email from T. Soiefer to J. Rios and J. Gamboa, September 22, 2018.

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated October 12, 2018

/s/ Nicholas Petts
Nicholas Petts

EXHIBIT 1
(Filed under Seal)

EXHIBIT 2
(Filed under Seal)

EXHIBIT 3
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